



## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

December 19, 2007

In reply refer to: DK-7

Ms. Jenny J. Rasmussen  
Forsberg & Umlauf, P.S.  
901 Fifth Avenue, Suite 1700  
Seattle, WA 98164-1039

RE: FOIA #07-045

Dear Ms. Rasmussen:

This letter is a partial response to your request for information that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. BPA has enclosed two CDs of responsive documents, in their entirety, in PDF format. The CD labeled "Land Files" contains a complete unredacted copy of all documents contained in BPA's official land case files pertaining to Northwest Pipeline requests for permits on BPA's easements. The CD labeled "Snohomish Reports" contains a complete unredacted copy of two reports prepared by BPA staff ("Side Boom Incident – 7-27-06" and "Snoh-Mury Contact – 7-26-06"). To date, BPA has expended 4 hours of search and review time to process your request, for a total cost \$204.28.

Due to the amount of information collected that must be reviewed for potential FOIA exemptions, BPA is unable to complete its response by the due date of January 2, 2008. Therefore, as permitted by statute, BPA is taking a 10 working-day extension to complete its response. BPA will complete its response to your request no later than January 16, 2008.

I appreciate the opportunity to assist you with this matter. If you have any questions about this letter, please contact Laura M. Atterbury, FOIA/Privacy Act Specialist, at 503-230-7305.

Sincerely,

*/s/ Christina J. Brannon*

Christina J. Brannon  
Freedom of Information Act/Privacy Act Officer

Enclosure(s):  
2 CD's

Due to the size of the responsive documents they can not be posted. To obtain a copy please contact the BPA FOIA Officer at 503-230-7305.



## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

February 21, 2008

In reply refer to: DK-7

Ms. Jenny J. Rasmussen  
Forsberg & Umlauf, P.S.  
901 Fifth Avenue, Suite 1700  
Seattle, WA 98164-1039

RE: FOIA #07-045

Dear Ms. Rasmussen:

This is the final response to your Freedom of Information Act (FOIA) request that you made to the Bonneville Power Administration (BPA). Enclosed is a CD in PDF format labeled "FOIA #07-045 Final Doc Release" which contains copies of the remaining responsive documents to your request.

BPA has released the majority of the responsive documents in their entirety. However, portions of pages 8, 117 thru 118, 122, 126, 130, 133 thru 136, 149 thru 150, 384, 413, 466 thru 469, 497 thru 501, 516, 593, 773, 778, 807 thru 810, 826 thru 829, 837, 841 and 844 have been redacted and withheld pursuant to 5 USC § 552(b)(5) (Exemption 5) as well as portions of pages 594 and 621 which have been withheld pursuant to 5 USC § 552(b)(6) (Exemption 6) of the FOIA, as explained below.

### Exemption 5

BPA asserts the deliberative process privilege for information that is pre-decisional and deliberative. This information was prepared by BPA staff, has not been released outside of BPA, and contains recommendations or opinions concerning BPA real estate policies or procedures that do not reflect a final agency decision.

BPA asserts the attorney-client privilege under Exemption 5 for information that contains confidential legal communications between BPA attorneys and BPA staff. This information contains confidential legal advice concerning BPA real estate policies and procedures and has not been released outside of BPA.

A discretionary release of this information is not in the public interest because a disclosure will hamper the ability and willingness of BPA employees and its attorneys to make honest and open recommendations concerning legal and policy matters that are essential to BPA programs.

### Exemption 6

BPA asserts the personal privacy privilege for information which could reasonably be expected to constitute an unwarranted invasion of personal privacy if disclosed. The withheld information are the names of individuals identified in transcripts of recorded phone conversations involving BPA employees, Snohomish County PUD, and/or the 911 operator that took place shortly after the accident occurred. Also withheld are the names of individual(s) allegedly injured (other than those individuals who provided signed authorizations for the release of this information).

BPA has determined there is a privacy interest in the names of individuals who were involved in the events that took place shortly after this accident occurred, or who were allegedly injured as a result of the accident. It is likely that disclosure of these names could subject these individuals to unwanted contacts and inquiries. There is no public interest in the disclosure of these names as their disclosure would not shed any light on how BPA performed its statutory duties.

### Fees

BPA expended 20 hours of search and review time to process your request, which brings the cost to \$1,021.40. On November 28, 2007, you provided Check No. 44515 on behalf of Forsberg & Umlauf, P.S., in the amount of \$2,100.00 as an advance payment. As per our phone conversation, a refund in the amount of \$1,078.60 will be sent to your office under separate cover from the Finance Department either as a check or as an EFT.

If you are dissatisfied with this determination, you may appeal within 30 days from the date you receive this letter to the Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585. The appeal must be in writing and both the envelope and letter must be clearly marked "Freedom of Information Act Appeal."

I appreciate the opportunity to assist you with this matter. If you have any questions about this letter, please contact Laura M. Atterbury, FOIA/Privacy Act Specialist, at 503-230-7305.

Sincerely,

*/s/ Christina J. Brannon*

Christina J. Brannon  
Freedom of Information Act/Privacy Act Officer

Enclosure: CD with Final Responsive Documents